

Beyond transposition : Challenges for safety and health at work in the enlarged Europe

Introduction

To say that this conference on a joint OHS strategy for the enlarged Europe comes at a timely moment with the accession of ten new member States only three months away, would be an understatement. The opportunity for a stocktaking which it offered is, if anything, long overdue and the organisers - the ETUC and its OSH research agency, the TUTB - are to be commended. This project, drawing in those with a stake in occupational safety and health at a pan-European level, was no small achievement in its own right.

What, then, has actually been achieved in terms of forward momentum? Did this event meet its aims? European-level initiatives on safety and health in the area of enlargement have assumed very specific forms, so far, mainly addressing issues of transposition. The question of practical implementation in the workplace has been somewhat in the background, perhaps understandably so, given the large body of Directives and associated instruments that provide the European context. This conference has had the issue of "on-the-ground" implementation as one of its key pre-occupations, and by implication, the development of appropriate trade union strategies that would ensure their proper realisation in social dialogue. Inevitably, achieving this aim in the course of a few days was not going to be easy.

How far the voice of ordinary workers has been heard in the conference hall is a much better test, and here the criterion is relevance first, and balance, second. In this regard, the three days of non-stop talk and debate may be judged at least a qualified success. Issues were identified and some searching discussion took place, in which the independent interests and values of workers found expression. Balance and objectivity were present in the papers that were given. But the knowledge and debate that ensued was directed and defined in a context that had the protection of *workers'* interests as its primary focus, rather than working towards a soft consensus between all sides. Occupational health and safety may be a common good, requiring a joint strategy, and convincing arguments can be made for its mutual benefits to both sides of industry. Its realisation, however, remains a matter of dispute, and necessarily so, in the context of the market economy.

The papers presented are informed to a greater or lesser degree by these concerns. In some cases, they map the existing state of occupational safety and health, a too-often neglected task which has immense value in its own right. In others, they present genuinely new thinking on strategies for safety and health. Cumulatively, they add to the emerging European picture, an increasingly complex jigsaw of regulatory regimes, national specifics and, in the case of the new accession States, a contentious difference of degree if not of kind, in the nature of the issues to be addressed. If there was difficulty in reaching overarching recommendations and conclusions, it was no more than a reflection of the fragmented state of the art. This conference was not about empty resolutions, but more than most, requires to be reconvened, in whatever appropriate forums, and at periodical intervals.

In place of a conclusion

Whether by accident or design, the short period between the ETUC/TUTB Brussels conference in January and the date of accession in May, has been punctuated by the European Commission's eagerly-awaited and long-delayed review document on safety and health. The review of the application of the Framework Directive (89/391) points to difficulties of creating adequate implementation and compliance, even within the member States, particularly in respect of mandated information and consultation

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Conference overview : some observations

The success of any event of this nature is not the number of the "great and the good" who graced the proceedings and delivered set-piece contributions, only to rush off to address other urgent business of "high affairs". Success lies in the degree to which the collective knowledge and understanding of ordinary workers and their representatives is mobilised to address an issue which directly affects the daily lives of working people - the working environment, with all its seen and unseen harm and hazards to health and well-being. It is appropriate that the chief "risk bearers", the primary victims of industrial neglect and indifference, should be able to meet without regard to any artificially imposed requirements of balance in the form of "multi-stakeholder participation". There are other forums for those kinds of discussions.

of workers, described as "one of the cornerstones" of EU prevention policy¹. The review of the Directive further concedes that "EU enlargement will bring in countries in which the prevention culture still has to be rooted", suggesting that while many of the same features are present, the scale of the problems is qualitatively greater in the new member States. Here, readers of the conference proceedings will have to judge for themselves whether the case for this is made or not.

The European "social model" traditionally implied a social contract between labour and capital which would provide legitimacy and cohesion in the European project based on a "social market" economy. What is clear is that this vision of a balance of social interests with the State performing an effective mediatory role, is now threatened as the regulatory corrective function in the market economies itself comes under attack from what John Monks has called "the American way", rampant de-regulation (in whatever guise). Whether the broad European project, and more particularly its incarnation in the latest round of enlargement, has sufficient institutional and ideological resilience to resist de-regulatory currents, is very much an open question. It seems more likely that the advent of the new accession countries will intensify a general crisis in the European social model, and in the goal of a socially cohesive Europe in particular. Health and safety protection is only one, but nevertheless a significant, part of an unrealised social policy agenda. The current outlook at the Commission level is therefore cause for concern, since its priorities clearly do not match those of the delegates to this conference.

Such concerns are therefore appropriately highlighted in the European Trade Union Confederation's call for a European-wide day of action by its national affiliates and industry federations in the Spring of 2004 to protest against the failure of member State governments to include "adequate safeguards for Social Europe" in the proposed new European Constitution. The language used is a significant indicator of the depth of the concern over current weaknesses in the Convention proposals. Thus, while formally welcoming the accession of ten new countries, the ETUC argues that it should be "on the condition that a strong social platform of workers' rights, social dialogue, collective bargaining, decent welfare States and high quality public services and services of general interest are put in place to help people handle change". This, it adds, "is not happening" and calls for "early action to agree a Constitution with a strong social dimension", otherwise "the prospect of social advances will recede still further"². Ultimately, the legitimacy of the European Community in the eyes of its ordinary citizens will rest upon the evidence before them of Europe's capacity to bring about meaningful change in their lives. A good starting point would be a high level of social protection in the sphere of safety and health at work. ■

¹ European Commission, 2004, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions on the practical implementation of the provisions of the Health and Safety at Work Directives 89/391 (Framework), 89/654 (Workplaces), 89/655 (Work Equipment), 89/656 (Personal Protective Equipment), 90/269 (Manual Handling of Loads) and 90/270 (Display Screen Equipment), Brussels, 05.02.2004 COM(2004) 62 final, 20-21.

² ETUC (2004) Call for day of action. Available at <http://www.our-europe.org>.

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